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PATENT, TRADEMARK, COPYRIGHT
& UNFAIR COMPETITION LAW

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Commissioner for Patents
U.S. Patent and Trademark Office
Washington, D.C. 20231

January 16, 2002

Re: U.S. Patent Appln. No. 09/732,738
Filed: December 11, 2000
Applicant: Jeffrey Alnwick
Title: "Method and System for Ordering
Items Over the Internet"
Our File: MS-579

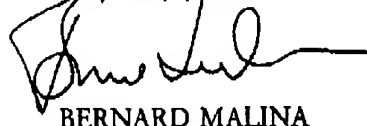
Dear Sir:

Attached is copy of Petition to Make Special which was forwarded to the Patent Office by Express Mail as indicated in the Certificate of Mailing dated October 15, 2001. Also enclosed is copy of postcard receipt.

We are informed that the original submission has not, as yet, been received by the Examining Group but is detained in Ohio for special handling as a result of the recent anthrax problem. In accordance with the advice received from your office, we herewith submit a copy of the original Petition and supporting papers, including a copy of our check in the amount of \$130.00 enclosed with our original submission. So that we are not doubly charged for the Petition fee, kindly charge the cost for this Petition to the undersigned attorney's Account No. 13-1140 and return the original check to us when it is received by the PTO. In view of the three months which have already elapsed, we respectfully request that this Petition be processed on an urgent basis.

If there is any question regarding the foregoing, kindly contact the undersigned attorney for Applicant at the telephone number given.

Very truly yours,



BERNARD MALINA

BM/it
attachments
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

JEFFREY ALNWICK

Serial No. : 09/732,738

Filed : December 11, 2000

For : METHOD AND SYSTEM FOR ORDERING
ITEMS OVER THE INTERNET

Examiner : Melanie Kemper

Group Art Unit :

CERTIFICATE OF MAILING UNDER 37CFR 1.10
I hereby certify that this correspondence is being deposited with
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Bernard Malina, Attorney 10/16/01
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Date

PETITION TO MAKE SPECIAL UNDER M.P.E.P. 5708.02Commissioner of Patents and Trademarks
Washington, DC 20231

ATTN: GROUP DIRECTOR

Sir:

Applicant hereby petitions to make this pending
application, which has not received any examination by the
Examiner, special.

All of the claims in this application are directed to a
single species. If the Office determines that all the claims
presented are not obviously directed to a single invention, then
applicant will make an election without traverse as a prerequisite
to the grant of special status.

A search has been made by an attorney in the following
subclasses: Class 705, subclasses 17, 20, 26, 27, 28 and 29.

There is submitted herewith a copy of the references deemed most closely related to the subject matter encompassed by the claims. We are also enclosing PTO Form 1449 listing these references. It is submitted that these references also form the basis of an Information Disclosure Statement.

There is submitted herewith a detailed discussion of the references, which discussion particularly points out how the claimed subject matter is distinguishable over the references. The fee required by 37 C.F.R. § 1.17(i) of \$130.00 is enclosed herewith. Please charge any additional fees or any overpayment to Deposit Account No. 13-1140.

Respectfully submitted,

MALINA & WOLSON

By: 

Bernard Malina, Reg. No. 24,172
60 East 42nd Street
New York, N.Y. 10165
(212) 986-7410
Attorneys for Applicant

Dated: October 12, 2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

JEFFREY ALNWICK

Serial No. : 09/732,738

Filed : December 11, 2000

For : METHOD AND SYSTEM FOR ORDERING
ITEMS OVER THE INTERNET

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Bernard Malina, Attorney Date

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DETAILED DISCUSSION OF REFERENCESCommissioner of Patents and Trademarks
Washington, DC 20231

ATTN: GROUP DIRECTOR

Sir:

The present invention as currently claimed is directed to a system for allowing buyers to search an inventory of items provided by at least two vendors. An exchange platform is provided at a location remote from the buyer and the vendors. This exchange platform would include information such as the vendor's inventories allowing the buyers to review the inventory of each of the vendors. A transmission means is provided for transmitting the inventory from the vendors to this exchange platform. Additionally, each buyer can directly order from the vendors without ordering through the exchange platform. The exchange platform would allow vendors to participate in this system as search time participants, order time participants or real time participants.

The present application recites 14 claims including independent claims 1 and 14. Claim 1 is directed to a system in which the exchange platform is located at a location remote from the buyer and the buyer is allowed to directly order from the vendors without ordering through the exchange platform. Claim 14 recites a system in which the exchange platform allows vendors to be search time participants, order time participants or real time participants.

The following references were deemed to be relevant to the present invention.

4,992,940	Dworkin
5,940,807	Purcell
6,009,413	Webber et al
6,014,644	Erickson
6,023,683	Johnson et al
6,055,516	Johnson et al
6,081,789	Purcell

Purcell '807 and Purcell '789 are directed to automated and independently accessible inventory information exchange systems. As illustrated in Figure 1, a host information management system 10 is established within a computer system managing and processing information provided by a plurality of remote sellers 21, 22, 23 and 24. A plurality of remote buyers 41, 42 and 43 would also have access to the host information management system. Neither of the Purcell references would anticipate or suggest a system in which the buyer would not order directly through the host information management system or would include the ability for the sellers to act as search time participants, order time participants and real time participants as required by either independent claim

1 or independent claim 14.

The patent to Dworkin describes a system and method for the automated selection of equipment for purchase through input of user desired specifications. A plurality of vendors 9a, 9b, 9c and 9d are connected to a CPU 1. This reference also does not allow a buyer to directly order from the vendors without ordering through the exchange platform and also does not include the ability for the vendors to be search time participants, order time participants or real time participants.

Johnson et al '683 and Johnson et al '516 are directed to electronic sourcing systems and methods. It is noted that there is no exchange platform remote from a plurality of vendors as well as a plurality of buyers.

The patent to Webber et al describes a system for real time shopping. A plurality of vendors such as a bookstore 42, a florist 44 and a gift shop 46 are connected to a switch 48. A user's micro 58 is connected to the switch 48 through a network host 56. This patent also does not include an exchange platform remote from a plurality of vendors in which at least one buyer can review the inventory of the vendors on the exchange platform.

The patent to Erickson shows a centrally coordinated communication system with multiple broadcast data objects and response tracking. A plurality of suppliers 12 are connected to a service provider 14. A plurality of buyers 10 are also connected to the service provider 14.

It is believed that none of the references cited herein

anticipate or suggest the system as recited in claims 1 and 14. More specifically, none of these references recite an exchange platform remote from a plurality of buyers and vendors in which the buyer can order without directly going through the exchange platform as recited in independent claim 1. Additionally, since dependent claims 2-13 depend either directly or indirectly from claim 1, it is believed that these claims also recite patentable subject matter.

Finally, it is noted the claim 14 allows the vendors to participate as order time participants, real time participants or search time participants. These features are also not anticipated or suggested by the references enclosed herewith.

Respectfully submitted,

MALINA & WOLSON

By: 

Bernard Malina, Reg. No. 24,172
60 East 42nd Street
New York, N.Y. 10165
(212) 986-7410
Attorneys for Applicant

Dated: October 12, 2001

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NG-579

Please acknowledge receipt of the enclosed document(s) listed below by signing and mailing this stamped, self-addressed postcard.

In re the Application of:

JEFFREY ALNWICK

Serial No.: 09/732,738

Filing Date: December 11, 2000

Title: METHOD AND SYSTEM FOR ORDERING ITEMS OVER THE INTERNET

Preliminary Amendment; Petition to Make Special Under M.P.E.P. § 708.02; Detailed Discussion of References
Dated: October 12, 2001; Check for \$130.00

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Official

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